

CHAPTER 5.—CONTROL BY NO-LICENSE

(1) AS TO A NO-LICENSE DISTRICT

92. The next method of control is the no-license district. This is a district in which there is in force a determination of the electors at a licensing poll that no licenses shall be granted. Control by the electors over licenses began with section 45 of the Licensing Act, 1881, which prohibited any increase in the number of publican's, accommodation, New Zealand wine, or bottle licenses in any district without the sanction of the ratepayers at a poll. These districts were small and the ratepayers were those on the roll of the local-governing body: *Scales v. Young*, [1929] N.Z.L.R. 855 at 875. The Alcoholic Liquors Sale Control Act, 1893, made the licensing districts coterminous with electoral districts and alterable, as the electoral districts were adjusted by the Representation Commission. This Act also gave the electors the opportunity of voting on three issues—viz., continuance, reduction, and no-license. These provisions continued until the year 1910, when the Licensing Amendment Act, 1910, omitted the issue of reduction and left only the issues of continuance or no-license in the no-license districts. But the Act also gave all the electors of New Zealand the opportunity of voting nationally on the question of continuance or national prohibition. In 1918 the Licensing Amendment Act provided a special poll on national prohibition with compensation or national continuance. The poll was held in April, 1919, and continuance was carried. In that event the Act of 1918 provided—and it is the law to-day—that at each licensing poll the three issues of national continuance, State purchase and control, and national prohibition should be put to the electors.

93. The right to vote for district no-license was abolished, but at each licensing poll the electors of an existing no-license district were entitled to vote on the question whether licenses should be restored in that district. If the proposal were carried by a three-fifths majority, licenses were to be restored and there was to be no further vote on the question of no-license.

94. In 1910 the following no-license districts were in existence: Clutha, Mataura, Invercargill, Ashburton, Oamaru, Grey Lynn, Bruce, Wellington Suburbs, Wellington South, Masterton, Ohinemuri, and Eden. Roskill was constituted as a no-license district in 1918. Bruce was eliminated as an electorate in 1922 and Ashburton in 1928. Ohinemuri voted for restoration in 1925 and Invercargill in 1943 and each again became a license district. Auckland Suburbs and Wellington East were constituted as no-license districts in 1928 and Wellington West in 1938. Both Wellington East and Wellington West were formed mainly of portions of the old Wellington Suburbs no-license district, and when Wellington West was constituted in 1938 the name of Wellington Suburbs was given to a new district. As this new district was licensed, the name of Wellington Suburbs was then removed from the list of no-license districts. The districts continuing as no-license districts to-day are as follows: Clutha, Mataura, Oamaru, Grey Lynn, Wellington South, Masterton, Eden, Roskill, Auckland Suburbs, Wellington East, and Wellington West.

95. In a no-license district it is an offence to solicit or to receive an order for liquor or to sell liquor, or to expose it, or keep it for sale, or to send or deliver liquor for sale, or to keep any premises as a place of resort for the consumption of intoxicating liquor, or to store or keep liquor for any other person. It is not an offence for a person to consume liquor on any premises on which he dwells or is resident or to consume liquor supplied by way of gift by a person who dwells or is resident on the premises on which the liquor is consumed (see section 37 of the Act of 1910). A person may therefore lawfully in a no-license district consume alcoholic liquor in his own home or supply it to his guests there.

96. Special provisions have been enacted to enable persons lawfully to obtain alcoholic liquor for consumption in a no-license district. An order must be signed personally by the purchaser and delivered to the seller. A telegram or money-order telegram is not sufficient (section 8 (5)) of the Act of 1914 and *Crossan v. Sivyver*, (1915) 34 N.Z.L.R. 1046).